

AGENDA FOR THE NHLC
DIVISION OF ENFORCEMENT & LICENSING MEETING
FOR THURSDAY, DECEMBER 17, 2015

1. HEARINGS TO BE HELD AT THE LIQUOR COMMISSION, 50 STORRS STREETS, CONCORD, NH:

January 8, 2016 @ 9:30 a.m.:

- a. Boston Billiard Club, 55 Northeastern Blvd., Nashua, NH.
Billiards/Pool Hall/Sports Entertainment License #6012305 licensed pursuant to RSA 178:22, V(t)/RSA 178:22, V(u)(1).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 14, 2015.
Case #: 15-325-OF.

January 22, 2016 @ 9:30 a.m.:

- b. Keith Murphy's Taproom, 494 Elm Street, Manchester, NH.
Restaurant Full Service With Lounge License #1333403 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:27, II - served or consumed alcoholic beverage in areas not approved by the Commission.
Date of violation: October 16, 2015.
Case #: 15-412-OF.

January 22, 2016 @ 10:30 a.m.:

- c. American Legion Post 31, 11 Charles Street, Penacook, NH.
Veterans Club License #18039 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: May 9, 2015.
Case #: 15-181-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY LICENSEE; MOTION GRANTED.

January 22, 2016 @ 11:00 a.m.:

- d. Crazy Camel, 245 Maple Street, Unit #1, Manchester, NH.
Cigar Bar On-Premise Beverage/Wine/Liquor/Cigar License #402006 licensed pursuant to RSA 178:20-a.
Cited for violation of RSA 178:20-a, II – failed to generate 60% of its quarterly gross revenue from the sale of cigar-related products which are limited to cigars, humidors, cigar cutters, cigar cutters and cases, lighters and ashtrays.
Date of violation: February 24, 2015. Case #: 15-65-OF.

January 22, 2016 @ 11:30 p.m.:

- e. Alburritos Mexican Restaurant, 406 Union Street, Littleton, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1398503 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: March 13, 2015.
Case #: 15-153-OF.
ASSENTED-TO MOTION TO CONTINUE FILED BY THE LICENSEE AND GRANTED; NEW HEARING DATE IS 1/22/16 @ 11:30 A.M.

2. NOTIFICATION OF DISCIPLINARY ACTION:

- a. AJ's Sports Bar & Grill, 11 Tracy Lane, Hudson, NH.
Restaurant Full Service With Lounge License #1420303 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated with 1 fatality.
Date of violation: February 23, 2014.
Case #: 15-305-OF.
An administrative fine of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the cocktail lounge and pool table area which includes a drink rail with stools for seven (7) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing January 10, 2016 with re-grant on January 15, 2016 and Roxanne Ryder shall attend a Total Education in Alcohol Management (TEAM) seminar in a classroom by January 15, 2016.
- b. Cinco De Mayo Bar & Grill, 446 Central Avenue, Dover, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1498303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: April 27, 2015.
Case #: 15-260-OF.
An administrative fine of \$ \$500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 10, 2016 with re-grant on January 12, 2016 and Michael A. Tellez shall complete a Total Education in Alcohol Management (TEAM) seminar online by December 27, 2015.
- c. Grand 38 Restaurant & Lounge, 26 Bridge Street, Pelham, NH.
Restaurant Full Service With Lounge License #1244003 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Cited for violation of RSA 179:8, I – failed to require the purchaser to furnish a motor vehicle driver's license issued by the state of New Hampshire, or a valid driver's license issued by another state, or province of Canada, which bears the date of birth, name, address and picture of the licensee.
Date of violations: August 25, 2015.
Case #: 15-374-OF.
For violation of RSA 179:5, I, an administrative fine of \$500 to come forward from penalties adjudicated on July 9, 2015; an additional \$1,000 administrative fine for a total of \$1,500, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended for two (2) days to come forward from penalties adjudicated on July 9, 2015; an additional three (3) day suspension for a total of five (5) days shall be imposed, all to be served in the cocktail lounge only commencing January 3, 2016 with re-grant on January 8, 2016 and Michael Pelletier shall complete a Total Education in Alcohol Management (TEAM) seminar online by December 27, 2015; for violation of RSA 179:8, I, an administrative fine of \$100.
- d. New Campus Convenience, 32 Main Street, Durham, NH.
Combination Off-Premises Beverage/Wine/Tobacco License #3229147 licensed pursuant to RSA 178:18/RSA 126-K:4.
Cited for violation of RSA 179:5, I – served or sold alcoholic beverage to an underage person.
Date of violation: August 28, 2015.
Case #: 15-340-OF.
An administrative fine of \$1,500 with \$1,000 held in abeyance for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license and the license to sell alcohol shall be suspended for five (5) days with two (2) days held in abeyance for twelve (12) months pending no like violation commencing January 6, 2016 with re-grant on January 9, 2016.

- e. Suppa & Romano, 364 Central Avenue, Dover, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1512103 licensed pursuant to RSA 178:21.
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was intoxicated or who a reasonable and prudent person would know is intoxicated.
Date of violation: August 22, 2015.
Case #: 15-333-OF.
An administrative fine of \$500 with \$250 suspended for twelve (12) months pending no like violation, four (4) points shall be assessed to the liquor license, the license to sell alcohol shall be suspended in the bar area and adjacent dance floor for three (3) days with one (1) day held in abeyance for twelve (12) months pending no like violation commencing January 9, 2016 with re-grant on January 11, 2016, Manager John Crittenden shall attend a Management Training Seminar (MTS) in a classroom by January 20, 2015 and the licensee shall host a Total Education in Alcohol Management (TEAM) seminar at their establishment for all employees by January 15, 2016.

3. NOTIFICATION OF NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Castaways Harborside Seafood & Grille, 209 Ocean Blvd., Seabrook, NH.
Restaurant On-Premise Beverage/Wine/Liquor License #1377303 licensed pursuant to RSA 178:21.
Cited for violation of RSA 178:21, II, (a)(2) – failed to open for evening meals five days a week.
Date of violation: November 14, 2015.
Case #: 15-443-OF.
\$100 administrative fine paid.
- b. Club Canadian, 128 South Main Street, Manchester, NH.
Social Club License #14501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: November 23, 2015.
Case #: 15-454-OF.
\$100 administrative fine paid.
- c. Pinardville Athletic Club, 15 Pershing Street, Manchester, NH.
Social Club License #12501 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: November 23, 2015.
Case #: 15-453-OF.
\$100 administrative fine paid.
- d. VFW Post 4485, 43 High Street, Somersworth, NH.
Veterans Club License #17939 licensed pursuant to RSA 178:22, V(h).
Cited for violation of RSA 178:22, V(h)(1) – failed to file club financial report by the 15th of the following month.
Date of violation: November 23, 2015.
Case #: 15-452-OF.
\$100 administrative fine paid.

4. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

- a. Auburn Tavern LLC, 346 Hooksett Road, Auburn, NH 03032.
To be issued Restaurant On-Premise Cocktail Lounge License #1520003 pursuant to RSA 178:22.
30 Day Temporary License issued: 12/10/2015.
- b. DG Retail LLC DBA Dollar General Store #16388, 585 White Mountain Highway, Milton, NH 03851.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3335947
pursuant to RSA 178:18 & RSA 178:19-a.

- c. DG Retail LLC DBA Dollar General Store #15394,
1679 White Mountain Highway, Tamworth, NH 03886.
To be issued Combination Off-Premise Beverage, Wine and Tobacco License #3339047
pursuant to RSA 178:18 & RSA 178:19-a.
- d. Fireside Restaurant Management LLC DBA Fireside Restaurant of Exeter,
69 Water Street, Exeter, NH 03833.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1519403
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/7/2015.
- e. Galletti, Marco E. DBA Cresh's, 2190 White Mountain Highway, North Conway, NH 03860.
To be issued Restaurant On-Premise Beverage and Wine License #1520203 pursuant to RSA 178:20.
- f. Holzrichter, Christy & Goldstein, Scott DBA Mumma Christy's Pizza & Subs,
2250 Route 16, West Ossipee, NH 03890.
To be issued Restaurant On-Premise Beverage and Wine License #1515603 pursuant to RSA 178:20.
- g. Langevin Restaurant Group LLC DBA Bistro Nouveau at Eastman,
25 Road Around the Lake, Grantham, NH 03753.
To be issued Caterer-Off-Site License #1286134 pursuant to RSA 178:22, V(e).
- h. Physilogic, Inc. DBA Chicken Express, 649 Mast Road, Goffstown, NH 03045.
To be issued Restaurant On-Premise Beverage and Wine License #1514403
pursuant to RSA 178:20.
- i. Tower, Belinda DBA Townline Tavern & Grill, 2 Cooperhill Road, Northwood, NH 03261.
To be issued Restaurant On-Premise Beverage, Wine and Liquor License #1519403
pursuant to RSA 178:21.
30 Day Temporary License issued: 12/7/2015.

5. LICENSE APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

6. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION APPROVAL:

TOTAL NUMBER OF ACTIVE DIRECT SHIPPER PERMITS ENDING DECEMBER 7, 2015: 1,147

- a. ELV-Oregon LLC, 572 Patterson Street NW, Suite 170, Salem, OR 97304.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- b. Old Settlers LLC DBA Old Settlers Cidery, 789 Gilsum Mine Road, Alstead, NH 03602.
To be issued Wine Manufacturer License #565730 pursuant to RSA 178:8.
Recommendation: Approval for MANUFACTURING ONLY.
- c. Porter Family Vineyards LLC, 1189 Green Valley Road, Napa, CA 94558.
Direct Shipper Permit Wine Manufacturer pursuant to RSA 178:27.
- d. Whippletree Winery LLC, 372 Turkey Street, Tamworth, NH 03886.
To be issued Wine Manufacturer License #566430 licensed pursuant to RSA 178:8.
Recommendation: Approval for MANUFACTURING ONLY.

7. SOLICITORS/REPRESENTATIVE & DIRECT SHIPPER APPLICATIONS RECOMMENDED FOR COMMISSION DENIAL:

None

8. NOTIFICATION OF APPROVED PETITIONS:

- a. Cumberland Farms, Inc. DBA Cumberland Farms, Inc., 5529, 142 Nashua Street, Milford, NH 03055. Combination Off-Premise Beverage/Wine/Tobacco License #870047. Licensed pursuant to RSA178:18 and RSA 178:19-a. Date petition received: 12/4/2015. Requested permission to transfer alcohol inventory to a new location, to wit, from Cumberland Farms Store #5529 of Milford, NH, License #870047 to Cumberland Farms Store #5445 of Milford, NH, License #3319647 located at 583 Nashua Street, Milford, NH 03055 due to the store closing at the #5529 location on December 7, 2015 as indicated in their letter dated 12/4/2015 and pursuant to RSA 178:29, VIII.
- b. Mac's Convenience Stores LLC DBA Circle K 7200, 163 North State Street, Concord, NH 03301. Combination Off-Premise Beverage/Wine/Tobacco License #3219647. Licensed pursuant to RSA178:18 and RSA 178:19-a. Date petition received: 12/4/2015. Requested permission to transfer alcohol inventory to a new location, to wit, from Circle K Store #7200 of Concord, NH, License #3219647 to Circle K Store #7262 of Hooksett, NH, License #3228447 located at 6 Bell Avenue, Hooksett, NH 03106 due to the store closing at the Concord location on December 7, 2015 as indicated in their letter dated 12/4/2015 and pursuant to RSA 178:29, VIII.
- c. Singin' Bowl LLC DBA Carol Rose Cigar Bar and Lounge, 10 Bridge Street, Units 4 & 5, Pelham, NH 03076. Cigar Bar On-Premise Cocktail Lounge License #401606 licensed pursuant to RSA 178:20-a. Requested approval for authorization of other areas, to wit, an additional area with a capacity of 100 pursuant to RSA 178:24 and Liq. 404.05.

9. NOTIFICATION OF APPROVED FELON EXCEPTIONS:

None

10. NOTIFICATION OF DENIED FELON EXCEPTIONS:

None

11. NOTIFICATION OF COMPLIANCE CHECKS SCHEDULED WITHIN NINETY (90) DAYS:

None

12. NOTIFICATION OF COMPLIANCE CHECKS:

None

13. COMMISSION DECISIONS PENDING AFTER HEARING:

Jade Palace, 28 Portsmouth Avenue, Stratham, NH.
Restaurant Full Service With Lounge License #1451603 licensed pursuant to RSA 178:21, II(a)(1)/RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - served or sold an alcoholic beverage to an individual who was visibly intoxicated or who a reasonable and prudent person would know is intoxicated – 2 counts.
Dates of violations: October 13, 2014 & December 28, 2014.
Case #s: 14-400-OF & 15-7-OF.

HEARING WAS HELD SEPTEMBER 17, 2015.

OCTOBER 1, 2015, THE COMMISSION ISSUED ITS DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING; LICENSEE'S OBJECTION TO SGT. EMERSON'S AND SGT. CALL'S TESTIMONY IS DENIED; OBJECTION TO INVESTIGATOR MONE'S TESTIMONY IS DENIED; AND OBJECTION TO EXCLUDE POLICE AND INCIDENT REPORTS AS WELL AS A LICENSEE'S VIOLATION HISTORY AS EXHIBITS IS GRANTED.

THE DOE FILED AN OBJECTION TO THE DECISION AND ORDER ON OBJECTIONS RAISED AT THE PRE-HEARING CONFERENCE AND HEARING.

RESPONSE TO OBJECTION TO NOTICE OF DECISION AND ORDER FILED BY THE LICENSEE.

11/24/15, NOTICE OF DECISION REGARDING DOE'S OBJECTION AND FINAL DECISION AND ORDER ISSUED BY THE COMMISSION; RECOMMENDED PENALTIES REQUESTED OF BOTH PARTIES BY 12/2/15;

ASSENTED-TO MOTION TO EXTEND DEADLINE FOR RECOMMENDED PENALTIES FILED BY THE LICENSEE AND GRANTED BY THE COMMISSION; RECOMMENDATIONS ARE DUE BY 12/10/15.

DECISION DATED 12/11/15 - A FINE OF \$2,000 IS IMPOSED WITH \$1,000 HELD IN ABEYANCE FOR A PERIOD OF ONE YEAR ON THE CONDITION OF NO LIKE VIOLATIONS. THE FINE OF \$1,000 SHALL BE PAID WITHIN 30 DAYS; A SUSPENSION OF 10 DAYS IS IMPOSED WITH 8 DAYS HELD IN ABEYANCE FOR A PERIOD OF 12 MONTHS ON THE CONDITION OF NO LIKE VIOLATIONS. THE IMPOSED SUSPENSION SHALL COMMENCE AT 12:00 A.M. ON DECEMBER 21, 2015 WITH A RE-GRANT ON DECEMBER 23, 2015 AT 12:00 A.M.; FOUR POINTS SHALL BE ASSESSED TO LIQUOR LICENSE #1476403; ALAN YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A MANAGEMENT TRAINING SEMINAR (MTS) NO LATER THAN JANUARY 30, 2016; AND JASON YANG SHALL CONTACT THE TRAINING UNIT WITHIN 10 DAYS TO SCHEDULE ATTENDANCE AT A TOTAL EDUCATION IN ALCOHOL MANAGEMENT (TEAM) SEMINAR NO LATER THAN JANUARY 30, 2016.

14. NOTIFICATION OF HEARING RESULTS:

None

15. MISCELLANEOUS ITEMS FOR COMMISSION APPROVAL:

Young's General Store LLC, 2792 North Main Street, Pittsburg, NH 03592.

Agency Store Off-Premise Liquor Only License #980504 licensed pursuant to RSA 177:9.

Requested approval for renewal of license, to wit, to renew Agency Store Off-Premise Liquor Only License pursuant to RSA 177:9.

Recommendation: Approval.

DEPUTY COMMISSIONER MILLIGAN MOVED TO TABLE THIS ITEM SO THAT JIM RICHARDS CAN CONTACT THE LICENSEE TO ASSURE THEY HAVE EVERYTHING THEY NEED FROM THE COMMISSION TO OPERATE PROPERLY; CHAIRMAN MOLLICA SECONDED THE MOTION; THE MOTION PASSED.

THIS ITEM REMAINS TABLED.

16. MISCELLANEOUS ITEMS FOR INFORMATION ONLY:

Friends of Abenaki, Inc., Abenaki Ski Area, 390 Pine Hill Road, Wolfeboro, NH 03894.

To be issued a one-day Voluntary Nonprofit Organizations Beverage/Wine/Liquor License pursuant to RSA 178:22, V(l).

Event date: 12/19/2015.

Recommendation: Expedited approval.

Commission approved on 12/10/2015.